

REMARKS/ARGUMENTS

Claims 11, 14-15, 17-22, 25-31, 38, 42-58 and 61 are active. Claims 56-57 have been indicated as being allowable. Claims 43 and 45 were objected to but were indicated as being otherwise allowable. Claims 11, 14-22, and 25-31 were previously withdrawn from consideration.

Independent Claim 38 has been amended to refer to a polynucleotide encoding SEQ ID NO: 2. Consistent amendments have been made to the claims depending from Claim 38 and non-elected Claim 11 has been revised to depend from Claim 38. Various editorial revisions have been made to both the active and withdrawn claims to improve clarity. New Claim 61 has been added and finds support on page 5, lines 11-12 of the specification. Accordingly, the Applicants do not believe that any new matter has been added.

Restriction/Election

The Restriction Requirement was made final. The Applicants respectfully request that upon an indication of allowance for the elected claims, that nonelected process claims which depend from or include all the limitations of an allowed product claim be rejoined and also allowed, see MPEP 821.04.

Rejection—35 U.S.C. 112, second paragraph

Claims 40-42 were rejected under 35 U.S.C. 112, second paragraph as being indefinite. This rejection is moot in view of the cancellation or amendment of these claims. Accordingly, this rejection may now be withdrawn.

Rejection—35 U.S.C. 112, first paragraph

Claims 40-42, 59 and 60 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate description. This rejection is moot in view of the cancellation of Claims 40-41, the amendment of Claim 42 and the cancellation of Claims 59 and 60.

Rejection—35 U.S.C. 112, first paragraph

Claims 38-41, 44, 46-55 and 58-60 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate enablement. These rejections are moot in view of the amendments above. The Applicants thank the Examiner for pointing out enabled subject matter. The present claims are directed to such subject matter. Accordingly, this rejection may now be withdrawn.

Rejection—35 U.S.C. 102

Claims 38, 40-42, 44, 46-55 and 58-60 were rejected under 35 U.S.C. 102(b) as being anticipated by Pompejus et al., US 2003/0049804 A1. These rejections are moot in view of the amendment of the claims. Pompejus does not disclose the amino acid sequence of SEQ ID NO: 2. The 95% identity language has been removed from the independent claims and the claims now incorporate or embrace the limitations of Claims 43 and 45 which were indicated as being otherwise allowable. Accordingly, this rejection may now be withdrawn.

CONCLUSION

In view of the above amendments and remarks, the Applicants respectfully submit that this application is now in condition for allowance. Early notification to that effect is earnestly solicited.

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